

REMARKS

The non-final Office Action mailed September 26, 2007 and the references cited therein have been carefully considered. The claims and drawings have been amended in an effort to further clarify that which the Applicants regard as the invention.

Support for this Amendment is generally found within the specification, claims, and drawings, as originally filed. As a result of this Amendment taken together with the remarks set forth below, it is respectfully submitted that pending Claims 1-23 are now before the Examiner in condition for favorable consideration and allowance.

A. Objections to the Drawings

The drawings have been objected to as not showing legends as described in the specification. Accordingly, three sheets (3) of replacement drawings are submitted herewith that incorporate additional legends in Figures 1, 2A, 2B, 3F, and 6, as discussed with and approved by the Examiner via telephonic interview. Therefore, it is respectfully submitted that the objections to the drawings have been obviated.

B. Objections to the Claims

Claims 1-23 have been objected to due to various informalities. Accordingly, Claims 1 and 17 have been amended as recommended by the Examiner. However, regarding the objection to Claims 2-16 and 18-23 and the use of "and" instead of "the" in the dependent claims, it is submitted that the specific words used to establish dependency in the preamble of dependent claims are a matter of choice as long as the dependency of the claim is clearly set forth (MPEP 608.01(n)). Therefore, it is submitted that the dependent claims should be acceptable as filed, and it is respectfully submitted that the objections to Claims 1-23 have been obviated.

C. Claim Rejections under 35 U.S.C. §103

Claims 1, 8, 9, 11-16, 17-20, and 23 were rejected as being obvious over U.S. Patent No. 6,021,315 to Telewski (*Telewski*) and U.S. Patent No. 4,162,500 to Jacobi et al. (*Jacobi*). In addition, Claims 2-4 and 22 were rejected as being obvious over *Telewski*, *Jacobi* and U.S. Patent No. 6,088,582 to Canora et al.; Claims 5 and 6 were rejected as being obvious over *Telewski*, *Jacobi* and U.S. Patent No. 6,662,648 to Fehrenbach et al.; Claims 7 and 10 were rejected as being obvious over *Telewski*, *Jacobi* and U.S. Patent No. 6,188,365 to Mattsson et al.; and Claim 21 was rejected as being obvious over *Telewski*, *Jacobi* and U.S. Publication 2002/0127971 to Chen et al.

The present invention is directed to an arrangement for testing a radio device, which includes a waveguide and a holder. The waveguide is closed at both of its ends. The holder is arranged to hold the radio device at least partly inside the waveguide in such a manner that at least a portion of the radiating part of the radio device remains outside the waveguide. The at least a portion of the radiating part of the radio device remaining outside the waveguide is entirely inside the holder. The waveguide includes one or more ridges and one coupling. The ridges extend along a longitudinal axis of the waveguide, and the end of at least one ridge facing the holder is beveled. The coupling is inside the waveguide for transmission and reception of a radio-frequency signal by the use of a wideband mode of propagation, as now defined by amended Claim 1.

The present invention is further directed to a method of testing a radio device wherein the radio device to be tested is mounted by means of a holder at least partly inside a waveguide closed at both of its ends. The method includes generating a wideband mode of propagation in the waveguide by means of at least one ridge. The end of the at least one ridge facing the holder is beveled. The method also includes transmitting and receiving radio-frequency signals by using the wideband mode of propagation between the radio device and a coupling installed in the waveguide, as now defined by amended Claim 17. At least a portion of the radiating part of the radio device remains outside the waveguide. The at least a

portion of the radiating part of the radio device remaining outside the waveguide is entirely inside the holder.

However, it is submitted that *Jacobi* represents non-analogous art in that it is directed to a biological imaging device for submersion in a dielectric liquid, such as water, and not to a system for testing a radio device. Further, even if *Telewski* and *Jacobi* were combined, the result would not suggest “the end of at least one ridge facing the holder being beveled”, as required by Claims 1 and 17, since *Jacobi* does not teach holding a radio device in its waveguide and the waveguide in *Telewski* has no ridges or beveling. In addition, *Jacobi* fails to teach the placement of ridges and beveling such that one skilled in the art could make and use the invention since it is not reasonably possible to determine the position or configuration of the ridges and beveling of those ridges within the waveguide from Figure 2 or the description at column 4, lines 21-36 of *Jacobi*.

In contrast, the cradle 152, which is equated in the Office Action to the holder recited in Claim 1, is entirely within the waveguide in *Telewski*, and the ridges 90, 91 in *Jacobi* clearly extend laterally across the waveguide 82.

Regarding Claim 8, the Office Action indicates that *Telewski* discloses that the end of the cradle 152, which is opposite relative to the waveguide, is closed. However, this is not the case shown in Figure 4C since the cradle 152 merely provides a stud or protrusion that positions the device 10 within the waveguide 102 rather than presenting a closed surface to the device 10 within the waveguide 102, as required by Claim 8.

Applicants respectfully note that in order to support a claim of *prima facie* obviousness, the cited references must teach or suggest each and every element of the invention, and there must be a basis in the references or the prior art to combine the references and prior art as suggested. However, nothing in the art of record would teach or suggest, either alone or in combination, each of the elements recited in Claims 1 and 17, as currently amended.

Applicants respectfully submit that Claims 2-16 and 18-23, which ultimately depend from Claims 1 and 17, respectively, are patentable over the art of record by virtue of their dependency from Claims 1 and 17, respectively. Further, Applicants submit that Claims 2-16 and 18-23 define additional patentable subject matter in their own right. Therefore, it is respectfully requested that the rejection of Claims 1-23 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

Entry of the amendments to Claims 1 and 17; favorable consideration of Claims 1 and 17, as amended; and allowance of pending Claims 1-23 are respectfully solicited.

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after these remarks, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number provided below to discuss any outstanding issues.

Respectfully submitted,

/rod s. turner/
Rod S. Turner
Registration No.: 38,639
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
RST:jp